



CEDAR CITY

10 NORTH MAIN • CEDAR CITY, UTAH 84720
435-586-2950 • FAX: 435-586-4362
www.cedarcity.org

CITY COUNCIL WORK MEETING AUGUST 7, 2013

Mayor
Joe Burgess

Council Members
Ronald R. Adams
Nina R. Barnes
John Black
Paul Cozzens
Don Marchant

City Manager
Rick B. Holman

The City Council will hold a work meeting on Wednesday, August 7, 2013, immediately following the action meeting, in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

I. Call to Order


II. Business Agenda
Public

1. Consider renewal of the Franchise Agreement with Rocky Mountain Power – Tom Heaton
2. SB 218, Funding Efforts with local agencies in regards to ICYC, and impacts on local youth, families and law enforcement – Jilll Mckinlay, Program Administrator for Southwest Utah Youth Center & Iron County Youth Center/Chief Allinson

Staff

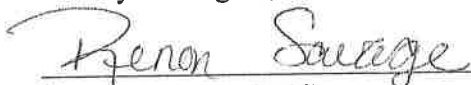
3. Review bids for a 100 foot aerial platform & 1500 gpm pumper – Chief Irons
4. Review of the Municipal Wastewater Planning Program Resolution – Darrell Olmsted
5. Presentation of the Local Limitation Evaluation Report – Peter Sury
6. Consider the State of Utah Division of Aeronautics Pavement Preservation grant application – Russ Volk
7. Consider a resolution submitting a ballot measure to the citizens of Cedar City related to the reauthorization of a .1% sales and use tax to fund botanical, cultural, recreational, and zoological organizations or facilities – Paul Bittmenn
8. Consider proposal for City Computers' Service – Rick Holman
9. Consider the appointment of Ann Powell & Steve Dodds to the Board of Adjustments – Mayor Burgess

Dated this 5th day of August, 2013.


Renon Savage, CMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 5th day of August, 2013.


Renon Savage, CMC
City Recorder



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of Human Services

PALMER DePAULIS
Executive Director

Division of Juvenile Justice Services

SUSAN V. BURKE
Director

Southwest Utah Youth Center

JILL McKINLAY
Assistant Program Director

DATE: July 1, 2013
To: City Councils & County Commission
From: Jill McKinlay
RE: Senate Bill 218, Funding Efforts with Local Agencies in regards to ICYC

Historically the funding to operate Iron County Youth Center (ICYC) has come from the State Legislature. In 2012 the Legislature did not appropriate full funding to Receiving Centers (RC) and Youth Services (YS) operations for fiscal year 13 (FY 13). One-time funding of \$750,000 was specifically allocated to keep our Cedar City and Blanding programs open. That amount fell short of full funding for the two programs. As a result, ICYC was limited on hours of operation. We are closed from 6:00 am Sunday morning until 6:00 am on Monday morning. We also lost a Full Time Employee as part of the cuts.

As a reminder of the value and importance of the facility, ICYC is a place where youth can be housed in emergency situations when their lives are potentially at risk. It is the back up for the other youth serving agencies in Iron and surrounding Counties when there is nowhere else for a child to go. ICYC provides emergency residential placement for adolescents ages 10 to 17 who are the victims of abuse or neglect, have run away from home or are ungovernable, have been picked up by police for something that is not holdable in Detention, or have violated a safety plan created in collaboration with law enforcement, Southwest Behavioral Health Center, School officials, parents and youth. Youth stay at ICYC anywhere from a few hours to three weeks. The facility is the safety net for youth and families in crisis in Iron County.

In the 2013 Legislative session Senate Bill 218 was passed, it states "Funding for receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations." This is part of the Legislature's response to granting JJS some funding for receiving centers, but clarifying that they intended others to fund them as well.

I would be happy to answer any questions you may have, and look forward to hearing from you if you have any questions, feedback, or simply want a tour of the facility. My office number is 435-867-2501 and my cell is 435-559-0142.

RECEIVING CENTERS FUNDING AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill modifies Title 62A, Chapter 7, Juvenile Justice Services.

Highlighted Provisions:

This bill:

► states that funding for receiving centers and youth services programs is intended to include federal grant money, local government money, and private donations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

62A-7-104.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 62A-7-104.5 is enacted to read:

62A-7-104.5. Appropriation and funding of receiving centers.

Funding for receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.



State of Utah

GARY R
HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of Human Services

PALMER DePAULIS
Executive Director

Division of Juvenile Justice Services

SUSAN V. BURKE
Director

Southwest Utah Youth Center

JILL MCKINLAY
Assistant Program Director

Iron County Youth Center in Cedar City, is a 24-hour, 7-days a week, emergency care/ crisis drop off point and intake service for youth who do not meet Admission Guidelines for Detention. We also offer services for youth whose parents cannot be contacted or refuse custody. This is a non-secure multi-purpose center that may be accessed by youth and their families. This home based center includes a Juvenile Receiving Center and a residential Youth Services Center. Youth Services offers family-centered interventions that promote the health and welfare of families, resolve family conflict and maintain or reunite youth ages 10-17 with their families. Nine beds are available for runaway and/or homeless youth, as well as youth in need of emergency, short-term, shelter. Family crisis counseling and other free community services are available for youth and families. Services are designed to assist families, resolve family conflict, maintain or reunite youth with their families, keep youth safe, help law enforcement get back out on the streets for community protection, and divert youth from entering or escalating further into the Juvenile Justice System. The Iron County School District also operates the Truancy Support Center at our location. This program is designed for students that are truant from school or have been suspended on a short-term basis. We work very closely with all the School Resource Officers, School Counselors, and the Elementary, Middle, and High Schools.

Our facility serves Iron, Beaver, and Kane counties with a combined base population of 61,738 people. We serve Cedar City, Beaver, Milford, Minersville, New Harmony, Kanaraville, Enoch, Orderville, Kanab, Panguitch, and other communities within our surrounding area. On occasion, we also take youth from St. George and Washington County. Some of those officials like to utilize our facility and we are a resource for WCYCC when they need to separate specific youth, or need additional space. As a Rural program, we are utilized by many different counties and towns, and communities. Our facility began operation in 1999 when the Division of Child and Family Services, Youth Corrections, Mental Health, Juvenile Court, Law Enforcement and other community partners joined together to create the Youth Center at our current location. Since its inception, ICYC has been a model of community action and support. We are a community resource and focal point for at-risk youth and their families. We work closely with the Southwest Behavioral Health Center, Law Enforcement, and School officials to collaborate on Safety Plans with youth and their families. We also collaborate with the Division of Child and Family Services, Southwest Utah Youth Center, The Paiute Tribe and Social Services, Juvenile Court, The Children's Justice Center, The Family Support Center, The Women's Crisis Center, and all of our different county, local and state law enforcement agencies.

Upon arrival at the facility, demographic information is gathered and the youth is assessed to determine immediate risk factors, mental health needs, and behavioral problems that include: Alcohol/Drug Use, Angry-Irritable, Depressed-Anxious, Somatic Complaints, Suicide Ideation, Thought Disturbances, and Traumatic Experiences. We also are able to meet with the Parent/Guardian to develop an action plan in helping the family to be successful. The following services are available at our facility: crisis counseling, individual and family crisis counseling, psycho educational groups, parent and youth support and education groups, referral to community agencies, assessments, short-term voluntary residential placements, (ART) Anger Management classes and Truancy Tracking services in cooperation with the Iron County School District. We offer participation in recreational activities and service projects within our community so the youth can develop some pride in where they live.

Our facility is unique because it was created with such an active community partnership. As you can see we look different from most of our other Youth Service counter parts around the State. Our facility is more of a "home" setting on a residential street. Our garden is also one of the many opportunities provided for youth to learn

new skills. We involve the youth in every phase of gardening. It is this unique difference that helps us maintain our close relationship with the community that has become a tradition.

Overall, we offer many different services. Our Receiving Center is a place for youth who are brought in for charges by law enforcement but have not committed a crime of a significant nature to book them into Detention. This service allows police officers the ability to return to work and to provide community protection. We hope to improve outcome measures for law enforcement to get them back on the street within 20 minutes. We also provide a Shelter for youth who are brought in who are abused and or neglected or are awaiting a foster care placement. We provide valuable intervention services for families who are in crisis and need help with teenagers who are acting out. We are the first line of defense for many families who are trying to help their children avoid the court system and Juvenile Justice Lock up.

We have found that due to our very rural area, it is imperative that all of our allied agencies and community partners work closely together to best meet the needs of the rising number of families requiring support. There aren't any other options or any other services to contract with in comparison to more urban areas. We hope that by considering the scope of services that this resource brings to our rural region of the state you will see the importance and value in continuing to fund and support this important youth service program. Without our facility there would be no other service provider in our area to fill the gaps.

The Salt Lake Tribune

Budget ax falls on Utah's juvenile justice system

Families, law enforcement and juvenile experts are already feeling legislators' \$3.2M budget reduction and fear Utah will eventually pay a much greater price.

BY JANELLE STECKLEIN THE SALT LAKE TRIBUNE

Enoch, Iron County • It's easy to tell there's a lot of love in Mary Fletcher's home, but like most parents, Fletcher has faced some challenges in raising her family.

Over the decades, the 66-year-old, who has had no natural children of her own, adopted 12 American-Indian children from the foster care system. Some were born with fetal alcohol syndrome and suffer from developmental disabilities or emotional issues.

She admits there were days with one child when those emotional issues boiled over into violent outbursts that were beyond her ability to cope. So she turned to the experts at Iron County Youth Center, a state-funded juvenile justice program, to help her family and her son, who is now an adult. She expects she'll use the program in the future with her other children.

"[ICYC] has been a total blessing," she said. "It's really wonderful when you're in a crisis to turn your child over to someone who will make a difference. They should have [programs like] that all over the country. They help children with their emotions that they don't know how to deal with."

But now that program and a number of other juvenile-justice programs across the state are in jeopardy of closing or offering fewer services because of about \$3.2 million in legislative budget cuts.

The cuts follow a federal government decision to restructure its Medicaid programs. The state no longer is reimbursed for youths housed overnight. That translated into about a \$27 million loss in funding, said Sen. Lyle Hillyard, R-Logan. He said the state can no longer afford to fund all the juvenile-justice programs it once did and still fund other areas of government like public education.

"We, as a system, are operating in a crisis mode. That's the scary thing," said Jill McKinlay, a Utah juvenile-justice program administrator who oversees the ICYC.

But those cuts are expected to come at a steep cost and possibly a larger price tag for Utahns down the road. Experts predict the number of state Division of Child and Family Services (DCFS) cases and juvenile detention referrals will grow because many of the programs affected by the cuts are for early intervention — designed to keep youths out of the system.

The cuts seem to be disproportionately affecting Utah's residents who live outside Salt Lake and Utah counties, officials say.

"Each child deserves the kind of services equal to Salt Lake," said Robert Johnson, a child welfare administrator for DCFS. "The rural areas throughout our region took a bit of a hit."

Legislators managed to slap together some last-minute funding to keep most of the facilities operational, albeit on a limited basis through the start of 2013, but in many rural regions the cuts have left gaping holes.

"It's disheartening and tragic in so very many ways," said Gov. Gary Herbert's spokeswoman Ally Isom of the cuts. "We'd like to see it addressed in future budgets because if we don't assist many of these youth in their present situation, they often end up in the adult system and incur further social costs and greater family tragedy."

Juvenile experts alarmed • Parowan Police Chief Ken Carpenter still vividly remembers the day officers found a young man passed out along a roadway in the middle of winter, extremely intoxicated.

Police quickly determined the youth's parents were out of state, but instead of taking him to detention or DCFS, officers decided he'd be best served by the early-intervention program, Carpenter said. ICYC kept him safe until his parents could arrive.

"It gives us a place to take them where we know they're going to be safe," Carpenter said.

Other success stories across the state: temporarily housing children who were orphaned when their parents were killed in crashes; working with girls who were lured away by sexual predators; counseling out-of-control youths; providing support for victims of neglect and abuse; and reuniting runaways with their families.

For Carpenter's small department of four full-time officers, the center is a lifesaver — a place to take youths rather than tying up limited resources.

"[Without it] I either need to bring another officer in on overtime and basically pay him to be a baby sitter ... or I don't have an officer to cover the other law

enforcement needs of my community," Carpenter said. "That can have a pretty dramatic impact on my budget as far as overtime and how we handle juveniles."

He said if the state offers police officers no alternatives, departments will probably have to turn them over to state custody.

The possibility of more youths suddenly becoming wards of the state has juvenile-justice experts very concerned.

DCFS relies on the juvenile-justice youth services for temporary placement of children who must be removed from their homes. It can be difficult to find foster homes on short notice.

"We have to have some place for them to go," said Johnson. "Our contract providers aren't set up to do the 3 a.m. call."

If one receiving center is full or is closed due to cuts, DCFS staff will have to drive to the next closest center, potentially taking a youth more than five hours away from their home community and undermining the agency's efforts to provide as much stability as possible.

For Fletcher, whose family benefited from the programs, the issue is plain. Legislators need to find a way to save the programs, even if that means cutting in other areas.

ICYC utilization numbers for the past 5 years.

Year:	<u>08-09</u>	<u>09-10</u>	<u>10-11</u>	<u>11-12</u>	<u>12-13</u>
<u>Receiving</u>	122	97	98	72	211
<u>Youth services</u>					
Crisis	85	70	120	111	312
Group home	55	48	29	97	84
Shelter	7	9	32	31	19
<u>Truancy</u>	1348	1526	989	807	852
<u>Total youth:</u>	1617	1750	1268	1118	1478

**CEDAR CITY COUNCIL
AGENDA ITEM 3**

DECISION PAPER

TO: Mayor and City Council

FROM: Paul Irons

DATE: 1 August 2013

SUBJECT: Accept the bid from Ross Equipment for a new Pierce 1500gpm Pumper and a Pierce 100' Aerial Apparatus.

PROBLEM: The Fire Department has sent out RFP's for a new pumper and aerial apparatus; and received three bids.

The only responsible bid came from Ross Equipment, of Murray Utah, who is the Pierce dealer for our region. Their bid met all of the department specification—their bid was \$1,703,229 with all discounts and prepay options.

The low bidder was from Fire Trucks West, Inc. of Meridian Idaho, who is the Rosenbauer dealer for our region. Their bid did not meet the department specification—their bid was \$1,668,281 with all discounts and prepay options. Here is a deficiency list: Rosenbauer could not meet the delivery days of less than 255 calendar days and needed 365 days to complete the project. The dealer did not submit the bid in the format requested therefore it took the fire department staff a long time to sift through the bid and the bidder did not submit a required form stating they met the specifications. There was no indication how the apparatus would be delivered. No safety video was provided. There were no performance specifications provided on the apparatus design. Rosenbauer does not have a service facility within 250 miles to provide the service on the apparatus. The gross vehicle weight rating (GVWR) on the engine is 4,500 lbs below what was specified and the frame rails and frame assembly did not meet the spec. A fan clutch was not included. The gear ratio and transmission were different than specified which means the performances of the apparatus pulling the grade of SR-14 and SR-143 will be compromised. There is no frontal impact or side roll protection provided. The intercom system does not match existing department apparatus or what was specified. The onboard battery charger and conditioner was smaller than specified. The alternator output was less than specified. The foam system was not a Husky Foam System and was smaller than specified. The emergency lighting was not LED that was specified. The electrical switches were the wrong type. The dealer did not include the required warranty information or manufacture certification on the following items; steering gear warranty, frame warranty, engine certifications, structural warranty, camera system warranty, roll up door warranty, foam system warranty, pump warranty and the amp draw report.

In addition to the abovementioned items the Rosenbauer Aerial Apparatus did not meet the bid specifications in the following areas:

The proposed tires were of a different size and did not meet the weight rating required by our specification, the spec called for 445/65R22.50, 20ply tread, rated for 24,600 lbs maximum axle load at 68 mph maximum speed, and the tires proposed are a 425/65R22.50, 20ply tread, rated for 22,800 lbs maximum axle load. Wheelbase longer than was required in our specification, we stated that the wheelbase could be no greater than 253". Rosenbauer proposed a 263" wheelbase which makes it harder to turn around. We were unable to locate a GVWR in the Rosenbauer proposal. Did not address activities to take place in the event the apparatus failed to meet the requirements of the specifications during the first trial. The bid only addresses third party inspection for the aerial ladder, no third party testing was noted for the breathing apparatus, or for the rest of the apparatus. Although drawings were mentioned there was no mention of an approval drawing prior to production commencing. No indication of a turning radius report. The frame reinforcement did not provide the specifics applicable to specified strength requirements. A speed rating was not provided for the rear axle the spec was for a minimum of 60 mph. Rotation Interlock Safety Issue – Rosenbauer will allow rotation over short jacked outriggers under some circumstances.

The high bidder was from H&E Equipment Services of Phoenix Arizona, who is the E-One dealer for our region. Their bid did not meet the department specification—their bid was \$1,725,252.12 with all discounts and prepay options. Because they were the high bid I will only highlight the main deficiencies of their bid. E-One did not provide a performance specification. The engine and transmission were smaller than specified. The frame assembly was smaller than and lighter than requested. The GVWR was less than specified. The top speed of the vehicle is 65 MPH and the Spec was 75 MPH. The foam system is not a Husky foam system and is smaller than specified. Most of the warranty and certification documents we required were not provided.

BUDGET:

Aerial Apparatus	1,053,869
1500gpm Pumper	649,360
Bond Counsel	8,000
legal/financial	5,000
Contingency (1.36%)	<u>23,771</u>
Total Project	\$1,740,000

RECOMMENDATION: Approve the bid from Ross Equipment for \$1,703,229.
Approve \$8,000 for Chamberlain Associates for bond counsel
Approve \$5000 for ZION's Bank for legal/financial counsel



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Workforce Services

JON S. PIERPONT
Executive Director

CASEY R. ERICKSON
Deputy Director

GEOFFREY T. LANDWARD
Deputy Director

July 18, 2013

Mayor Joe Burgess
Cedar City
10 North Main
Cedar City, Utah 84721

Re: Cedar City Fire Department - 2 Fire Trucks

Dear Mayor Burgess:

On July 11, 2013 the Permanent Community Impact Fund Board (CIB) had its first review of the Cedar City application for a **\$1,270,000.00 15 yr. @ 1.5% loan** to help finance two fire trucks.

Following the project sponsors' presentation, the CIB voted to advance the application as requested to the *Priority List* for prioritization and funding consideration at the October 3, 2013 CIB board meeting.

Please be advised that placement on the *Priority List* does not in and of itself constitute formal approval or commitment to finance this application in the amounts or terms listed above. The size, nature and timing requirements of all applications advanced to the *Priority List*, as well as the actual availability of funds may require the CIB to alter or reduce its participation from the amounts or terms requested for this project.

You will receive copies of the agenda approximately 10 - 14 days in advance of the October 3, 2013 CIB board meeting confirming a slot on the agenda. While no formal presentations will be heard from the various applicants, you or your representative should plan on attending this meeting to answer any questions raised by the individual CIB members.

Please contact this office if you have any questions.

Sincerely,

Candace Powers, Associate Fund Manager
PERMANENT COMMUNITY IMPACT FUND BOARD
(801) 526-9424

Cc: ✓ Mike Phillips, Fire Marshall
Gary Zabriskie, Regional Planner Five County AOG

CEDAR CITY COUNCIL
AGENDA ITEM 4
DECISION PAPER

TO: Mayor and Council

FROM: Darrell Olmsted

DATE: August 7, 2013

SUBJECT: Review of the Municipal Wastewater Planning Program Resolution.

DISCUSSION:

This is the annual self-assessment report Cedar City is required to complete and submit to the Utah Department of Environmental Quality. The State uses this report to help determine the operational effectiveness of wastewater facilities and to help determine facility needs throughout the State. Cedar City is required to pass a resolution of the Municipal Wastewater Planning Program Self-Assessment Report. After which, a report of the resolution and a copy of the MWPP report are sent to the State.

STATE OF UTAH

MUNICIPAL WASTEWATER PLANNING PROGRAM

SELF-ASSESSMENT REPORT

FOR

CEDAR CITY

2012



Resolution Number _____

MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

RESOLVED that **CEDAR CITY** informs the Water Quality Board the following actions were taken by the **CITY COUNCIL**

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2012.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (If Applicable)

Passed by a (majority) (unanimous) vote on

(date)

Mayor/Chairman

Attest:

Recorder/Clerk

Municipal Wastewater Planning Program (MWPP) Financial Evaluation Section

Owner Name: *CEDAR CITY*

Name and Title of Contact Person:

Darrell Olmsted

Wastewater Superintendent

Phone: 435-867-9426 x 302

E-mail: odarrell@cedarcity.org

PLEASE SUBMIT TO STATE BY: September 1, 2013

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

NOTE: This questionnaire has been compiled for your benefit by a state sponsored task force comprised of representatives of local government and service districts. It is designed to assist you in making an evaluation of your wastewater system and financial planning. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please call, Emily Cantón. Utah Division of Water Quality: (801) 536-4342.

I. Definitions: The following terms and definitions may help you complete the worksheets and questionnaire:

User Charge (UC) - A fee established for one or more class(es) of users of the wastewater treatment facilities that generate revenues to pay for costs of the system.

Operation and Maintenance Expense - Expenditures incurred for materials, labor, utilities, and other items necessary for managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed.

Repair and Replacement Cost - Expenditures incurred during the useful life of the treatment works for obtaining and installing equipment, accessories, and/or appurtenances necessary to maintain the existing capacity and the performance for which the facility was designed and constructed.

Capital Needs - Cost to construct, upgrade or improve the facility.

Capital Improvement Reserve Account - A reserve established to accumulate funds for construction and/or replacement of treatment facilities, collection lines or other capital improvement needs.

Reserve for Debt Service - A reserve for bond repayment as may be defined in accordance with terms of a bond indenture.

Current Debt Service - Interest and principal costs for debt payable this year.

Repair and Replacement Sinking Fund - A fund to accumulate funds for repairs and maintenance to fixed assets not normally included in operation expenses and for replacement costs (defined above).

Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <u>at this time</u> ?	YES = 0 points NO = 25 points	0
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	0
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	0
TOTAL PART I =		0

Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next ten years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next twenty years</u> ?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	0
TOTAL PART II =		0

Part III: GENERAL QUESTIONS

Complete the following table:

Question	Points Earned	Total
Is the wastewater treatment fund a separate enterprise fund/account or district?	YES = 0 points NO = 25 points	0
Are you collecting 95% or more of your sewer billings?	YES = 0 points NO = 25 points	0
Is there a review, at least annually, of user fees?	YES = 0 points NO = 25 points	0
Are bond reserve requirements being met if applicable?	YES = 0 points NO = 25 points	0
TOTAL PART III =		0

Part IV: PROJECTED NEEDS

Estimate as best you can the following:

Cost of projected capital improvements (in thousands)	2014	2015	2016	2017	2018
	9,500	0	0	0	0

Point Summation

Fill in the values from Parts I through III in the blanks provided in column 1. Add the numbers to determine the MWPP point total that reflects your present financial position for meeting your wastewater needs.

Part	Points
I	0
II	0
III	0
Total	0

Municipal Wastewater Planning Program (MWPP) Collection System Section

Owner Name: CEDAR CITY

Name and Title of Contact Person:

Darrell Olmsted

Wastewater Superintendent

Phone: 435-867-9426 x 302

E-mail: odarrell@cedarcity.org

PLEASE SUBMIT TO STATE BY: September 1, 2013

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

Form completed by

Darrell Olmsted

Part I: SYSTEM AGE

- A. What year was your collection system first constructed (approximately)?

Year 1945

- B. What is the oldest part of your present system?

Oldest part 68 years

Part II: BYPASSES

- A. Please complete the following table:

Question	Number	Points Earned	Total Points
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater in the system due to rain or snowmelt?	0	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	0
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater due to equipment failure? (except plugged laterals)	3	0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	15
TOTAL PART II =			15

- B. Please specify whether the bypass(es) was caused a contract or tributary communities, etc.

No.

Part III: NEW DEVELOPMENT

A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	0
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2- 3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	0
TOTAL PART III =		0

B. Approximate number of new residential sewer connections in the last year

128 new residential connections

C. Approximate number of new commercial/industrial connections in the last year

10 new commercial/industrial connections

D. Approximate number of new population serviced in the last year

410 new people served

Part IV: OPERATOR CERTIFICATION

- A. How many collection system operators are currently employed by your facility?

4-1/2 collection system operators employed

- B. What is/are the name(s) of your DRC operator(s)?

Darrell Olmsted

- C. You are required to have the collection DRC operator(s) certified at **Grade III**

What is the current grade of the DRC operator(s)? 4

- D. State of Utah Administrative Rules require all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

<i>Not Certified</i>	
Small Lagoons	
Collection I	1
Collection II	2
Collection III	
Collection IV	2

- E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
TOTAL PART IV =		0

Part V: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	20
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
TOTAL PART V =		20

Part VI: SUBJECTIVE EVALUATION

This section should be with the system operators.

A. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

Fair to excellent conditions. The older parts of the city sewer are in fair condition.

The newer parts of the city sewer are in excellent condition.

In 2011 and 2012, the city \$970,000 repairing and replacing sewer lines.

B. What sewerage system improvements does the community have under consideration for the next 10 years?

Repair and replace damages sewer lines.

Manole rehabilitation.

Up-size existing sewer lines as needed to handle growth.

Install new sewer lines as needed.

Part VI: SUBJECTIVE EVALUATION (cont.)

- C. Explain what problems, other than plugging have you experienced over the last year
Had approximately 10 feet of concrete sewer line collapse. Sewer was diverted from the upstream manhole to the downstream manhole while the line was repaired.

- D. Is your community presently involved in formal planning for system expansion/upgrading? If so explain.
No. The city is not presently involved informal planning for any collection system upgrade.
The city spent nearly one million dollars over the last two years repairing and replacing damaged sewer lines.

- E. How many times in the last calendar year was there sewage in basements at any point in the collection system for any reason, except for plugging of the lateral connections?

There were 0 total basements with sewage in them in 2012.

How many different times different did flooding occur? 0

- F. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS X SOMETIMES _____ NO _____

If they do, what percentage is paid?

approximately 100 %

- G. Is there a written policy regarding continuing education and training for wastewater operators?

YES _____ NO X

Part VI: SUBJECTIVE EVALUATION (cont.)

H. Any additional comments? (Attach additional sheets if necessary.)

Funds have been allocated for the repair and replacement of nearly 3,000 feet of
damaged sewer line.

POINT SUMMATION

Fill in the values from Parts II through V in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
II	15
III	0
IV	0
V	20
Total	35

Municipal Wastewater Planning Program (MWPP) Mechanical Plant Section

Owner Name: *CEDAR CITY*

Name and Title of Contact Person:

Darrell Olmsted

Wastewater Superintendent

Phone: 435-867-9426 x 302

E-mail: odarrell@cedarcity.org

PLEASE SUBMIT TO STATE BY: September 1, 2013

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

Form completed by

Darrell Olmsted

Part I: INFLUENT INFORMATION

- A. Please update (if needed) the average design flow and average design BOD₅ and TSS loading for your facility.

	Average Design Flow (MGD)	Average Design BOD ₅ Loading (lbs/day)	Average Design TSS Loading (lbs/day)
Design Criteria	4.4	9,615	9,284
90% of the Design Criteria	3.96	8,654	8,356

- B. Please list the average monthly flows in millions of gallons per day (MGD) and BOD₅ and TSS loadings in milligrams per liter (mg/L) **received** at your facility during 2012. (Calculate the BOD₅ and TSS loadings in pounds per day (lbs/day)).

Month	(1) Average Monthly Flow (MGD)	(2) Average Monthly BOD ₅ Concentration (mg/L)	(3) Average BOD ₅ Loading (lbs/day) 1	(4) Average Monthly TSS Concentration (mg/L)	(5) Average TSS Loading (lbs/day) 2
January	2.4	232	4,644	260	5,204
February	2.4	250	5,004	269	5,384
March	2.3	236	4,527	268	5,141
April	2.4	126	2,522	321	6,425
May	2.3	188	3,606	318	6,100
June	2.2	263	4,826	260	4,770
July	2.3	264	5,064	385	5,467
August	2.5	270	5,630	338	7,047
September	2.4	262	5,244	338	6,765
October	2.5	258	5,379	309	6,443
November	2.4	265	5,304	273	5,464
December	2.3	280	5,371	289	5,544
Average	2.4	241	4,760	294	5,803

1 BOD₅ Loading (3) = Average Monthly Flow (1) x Average Monthly BOD₅ Concentration (2) x 8.34

2 TSS Loading (5) = Average Monthly Flow (1) x Average Monthly TSS Concentration (4) x 8.34

Part I. INFLUENT INFORMATION (cont.)

- C. Refer to the information in A & B to determine a point value for your facility. Please enter the points for each question in the blank provided.

Question	Number	Points Earned	Total Points
How many times did the average monthly flow (Part B., Column 1) to the wastewater facility exceed 90% of design flow?	0	0 = 0 points 1 - 2 = 10 points 3 - 4 = 20 points 5 or more = 30 points	0
How many times did the average monthly flow (Part B., Column 1) to the wastewater facility exceed the design flow?	0	0 = 0 points 1 - 2 = 20 points 3 - 4 = 40 points 5 or more = 60 points	0
How many times did the average monthly BOD ₅ loading (Part B., Column 3) to the wastewater facility exceed 90% of the design loading?	0	0-1 = 0 points 1 - 2 = 10 points 3 - 4 = 20 points 5 or more = 30 points	0
How many times did the average monthly BOD ₅ loading (Part B., Column 3) to the wastewater facility exceed the design loading?	0	0 = 0 points 1 - 2 = 20 points 3 - 5 = 40 points 5 or more = 60 points	0
TOTAL PART I =			0

Part II: EFFLUENT INFORMATION

- A. Please list the average monthly BOD₅, TSS, Ammonia (NH₃), monthly maximum Cl₂, minimum monthly DO, and 30-day geometric averages for Fecal and Total Coliform, or E-Coli produced by your facility during 2012.

Month	(1) BOD ₅ (mg/L)	(2) TSS (mg/L)	(3) Fecal Coliform (#/100 mL)	(4) Total Coliform (#/100 mL)	(5) E-Coli	(6) Cl ₂ (mg/L)	(7) DO (mg/L)	(8) NH ₃ (mg/L)
	Whole Numbers Only					One Decimal Place Only		
January	12	17		5	1	3.0		12.6
February	15	10		129	122	2.0		
March	20	12		15	2	2.3		
April	4	12		10	1	2.2		15.4
May	13	20		8	1	2.3		
June	10	13		11	1	2.1		
July	11	14		58	1	2.1		1.4
August	9	11		37	1	2.5		
September	13	15		8	1	2.3		
October	11	16		11	1	2.6		4.0
November	16	16		3	1	2.4		
December	16	16		9	1	2.5		
Average	13	13		25	11	2.4		8.3

- B. Please list the monthly average permit limits for the facility in the blanks below.

	BOD ₅ (CBOD ₅) (mg/L)	maximum Cl ₂ (mg/L)	NH ₃ (mg/L)	minimum DO (mg/L)
Monthly Permit Limit	25	NA	NA	NA
80% of the Permit Limit	20	NA	NA	NA

Part II: EFFLUENT INFORMATION (cont.)

- C. Refer to the information in A & B and your operating reports to determine a point values for your facility.

Question	Number	Points Earned	Total Points
How many months did the effluent BOD ₅ (CBOD ₅) exceed 80% of monthly permit limit?	0	0 - 1 = 0 points 2 = 5 points 3 = 10 points 4 = 15 points 5 or more = 20 points	0
How many months did the effluent BOD ₅ (CBOD ₅) exceed the monthly permit limits?	0	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	0
How many months did the effluent TSS exceed 20 mg/L?	0	0 - 1 = 0 points 2 = 5 points 3 = 10 points 4 = 15 points 5 or more = 20 points	0
How many months did the effluent TSS exceed 25 mg/L?	0	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	0
How many times did the Cl ₂ exceed permit limit?	NA	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	0
How many times did the NH ₃ exceed permit limits?	NA	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	0
How many times did the DO not meet permit limit?	NA	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	0
How many months did the 30-day fecal coliform exceed 200 #/100 mL?	NA	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	0
How many months did the 30-day total coliform exceed 2,000 #/100 mL?	0	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	0
How many months did the 30-day E-coli exceed 126 #/100 mL?	0	0 = 0 points 1 - 2 = 20 points 3 or more = 40 points	0
TOTAL PART II =			0

Part III: FACILITY AGE

In what year were the following process units constructed or underwent a major upgrade?
To determine a point score subtract the construction or upgrade year from 2012.

Points = Age = Present Year - Construction or Upgrade Year.

Enter the calculated age below.

If the point total exceeds 20 points, enter only 20 points.

Unit Process	Current Year	Construction or Last Upgrade Year	Age = Points
Headworks	2012	1996	16
Primary Treatment	2012	1996	16
Secondary Treatment	2012	1996	16
Solids Handling	2012	1996	16
Disinfection	2012	1996	16
TOTAL PART III (not greater than 20) =			20

Part IV: BYPASSES

Please complete the following table:

Question	Number	Points Earned	Total Points
How many days in the past year was there a bypass or overflow of untreated wastewater due to high flows?	0	0 = 0 points 1 = 5 points 2 = 10 points 3 = 15 points 4 = 20 points 5 or more = 25 points	0
How many days in the last year was there a bypass or overflow of untreated wastewater due to equipment failure?	0	0 = 0 points 1 = 5 points 2 = 10 points 3 = 15 points 4 = 20 points 5 or more = 25 points	0
TOTAL PART IV =			0

Part V: SOLIDS HANDLING

A. Please complete the following table:

Current Disposal Method (check all that apply)	Points Earned	Total Points
Landfill	Class B = 0 points < Class B = 50 points	0
Land Application	Site Life 0 - 5 years = 20 points 5 - 10 years = 10 points 10+ years = 0 points	0
Give Away/Distribution and Marketing	Class A = 10 points Class B = 20 points	10
TOTAL PART V =		10

Part VI: NEW DEVELOPMENT

A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	0
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2- 3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	0
Have you experienced any upset due to septage haulers?	No = 0 points Yes = 10 points	0
TOTAL PART VI =		0

Part VI: NEW DEVELOPMENT (cont.)

- B. Approximate number of new residential sewer connections in the last year
128 new residential connections
- C. Approximate number of new commercial/industrial connections in the last year
10 new commercial/industrial connections
- D. Approximate number of new population serviced in the last year
410 new people served

Part VII: OPERATOR CERTIFICATION

- A. How many operators are currently employed by your facility?
4-1/2 operator(s) employed
- B. What is/are the name(s) of your DRC operator(s)?
Darrell Olmsted
Eric Bonzo
- C. You are required to have the treatment DRC operator(s) certified at GRADE III.
What is the current grade of the DRC operator(s)? 4
- D. State of Utah Administrative Rules Require that all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

Not Certified	<u></u>
Treatment I	<u>1</u>
Treatment II	<u>2</u>
Treatment III	<u></u>
Treatment IV	<u>2</u>

Part VII: OPERATOR CERTIFICATION (cont.)

E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
TOTAL PART VII =		0

Part VIII: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	20
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
TOTAL PART VIII =		20

Part IX: SUBJECTIVE EVALUATION

This section should be completed with the facility operators.

- A. Do you consider your wastewater facility to be in good physical and structural condition?

YES X NO

If NOT, why?

- B. What improvements do you think the plant will need in the next 5 years?

Nitrogen removal capability.

- C. Where there any backups into basements at any point in the collection system in 2012.

YES NO X

Why? (do not include backups due to clogged laterals)

- D. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS X SOMETIMES NO

If so, what percentage do they pay?

approximately 100 %

Part IX: SUBJECTIVE EVALUATION (cont.)

- E. Is there a written policy regarding continuing education and training for wastewater operators?

YES _____ NO X

- F. Have you done any major repairs or mechanical equipment replacement in 2009?
(do not include construction or upgrade projects)

YES _____ NO X

- G. What was the approximate cost for those repairs or replacements?

\$ _____

- H. Any additional comments? (Attach additional sheets if necessary.)

We are in the process of modifying the plant from a trickling filter plant to an MLE oxidation plant. The State has approved the modification to the treatment plant. Construction of the modification is to begin in late August or early Septmeber.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

POINT SUMMATION

Fill in the values from Parts I through VIII in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
I	0
II	0
III	20
IV	0
V	10
VI	0
VII	0
VIII	20
Total	50

**CEDAR CITY
COUNCIL AGENDA ITEM 5
ADMINISTRATIVE STAFF FACT SHEET**

Council Meeting Date:

Agenda Item No.:

Presenter: Pete Sury

City Staff Contact: Pete Sury 867-9426 Ext:304

Request: Approve submission of Local Limit Report, (LLR) to EPA.

Request Explanation: Pursuant to the Code of Federal Regulations 40 CFR 403.5 (a)(b)(c) and Part IV within the Cedar City NPDES permit # UT0024970, the permittee Cedar City Regional Wastewater Treatment Facility (CCRWTF) is required to submit a proposed local limit Development Report to the EPA, and State Division of Environmental Quality (DEQ) for approval.

CCRWTF submitted Local Limit Development Report to DEQ in November of 2008.

In October 26 of 2011, DEQ requested modifications to submitted LLR which were completed and re-submitted by February 28, 2012 due date. On March 21, 2013 DEQ had requested additional modifications to re-submitted LLR which are completed and have been submitted to DEQ pursuant to 40 CFR 403.9 (b)(2). DEQ has public noticed LLR for a 30-day comment period and submitted letter to CCRWTF legally approving the implementation of LLR. The LLR is now brought to council for approval. Pursuant to the NPDES permit the city will technically re-evaluate LLR within 12 months of current permit cycle. An additional re-evaluation will be enabled upon completion of forth-coming CCRWTF modifications.

Upon City Council approval of the LLR the CCRWTF shall submit council approval minutes, via certified mail to DEQ.

Staff Recommendation: Approve Local Limit Development Report.



CEDAR CITY

10 NORTH MAIN • CEDAR CITY, UTAH 84720
435-586-2950 • FAX: 435-586-4362
www.cedarcity.org

Mayor
Joe Burgess

Council Members
Ronald R. Adams
Nina R. Barnes
John Black
Paul Cozzens
Don Marchant

City Manager
Rick B. Holman

4/22/2013

Matthew Garn
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT. 84114-4870

Subject: Cedar City Local Limits Report

Pursuant to the Department of Environmental Quality (DEQ) letter dated March 21, 2013 the Cedar City Local Limit Report has been revised. Enclosed you will find the completed revised Local Limit Report and related information per the requirements of 40 CFR 403.18. As discussed with you over the phone the CCRWTF is submitting to the DEQ enclosed local Limit Report for approval.

Thank you,

Peter Sury,
Pretreatment Coordinator
Cedar City Corporation

Ps/ps

Cc: Darrell Olmsted	CCRWTF, General Manager
Rick Holman	Cedar City Manager
Paul Bittman	Cedar City Attorney



CEDAR CITY

10 NORTH MAIN • CEDAR CITY, UTAH 84720
435-586-2950 • FAX: 435-586-4362
www.cedarcity.org

Mayor
Joe Burgess

Council Members
Ronald R. Adams
Nina R. Barnes
John Black
Paul Cozzens
Don Marchant

City Manager
Rick B. Holman

April 18, 2013

State of Utah
Division of Water Quality
Attn: Matthew Garn
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Re: Cedar City Local Limit Permits

Dear Mr. Garn:

Please accept this letter in reference to Cedar City's local limit permits. I am the City's legal counsel. Chapter 30a of the ordinance of Cedar City, Utah, was adopted by the City in 2009. It provides the legal authority for the City to enforce the various requirements of 40 cfr 403.8 in compliance with 40 cfr 403.9. The specific sections of the City ordinance related to enforcement are 30a-10 administrative enforcement; 30a-11 judicial enforcement; and 30a-12 supplemental enforcement.

The CCRWTF staff will implement the Local Limits through the use of Industrial User Wastewater discharge permits. Furthermore, in accordance with section 30a-7 the staff of the CCRWTF will engage in monitoring and inspections of those permitted entities. Monitoring, inspection, and the enforcement remedies cited above will allow the City to ensure compliance with the Local Limit Permits and enforce the code in the event of noncompliance by industrial users.

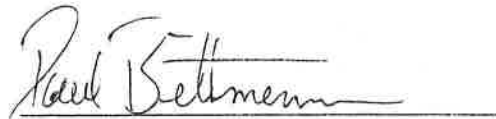
A complete copy of Chapter 30a of the ordinance of Cedar City, Utah has been transmitted to your office during the Local Limit permit process. You may also find a complete copy on the City's web page, www.cedarcity.org.

To complete the approval of the Local Limits the City will follow the following procedure. First, the CCRWTF shall submit appropriate Local Limit Reports pursuant to 40 cfr 403.18 and wait for DEQ to public notice and accept the Local Limit Reports. Once DEQ transmits in writing to CCRWTF that the public notice and acceptance of the Local Limit Reports is complete the Local Limits Report and DEQ approval will be submitted to the Cedar

City Council for their consideration and approval. Once the City Council has approved the CCRWTF, pursuant to 40 cfr 403.18 and 403.9, will submit a letter documenting said approval to the DEQ. Upon receipt of the letter from the City DEQ shall send CCRWTF a final formal letter approving the Local Limit Development Report. The final step will be CCRWTF will implement all of the up-dated Local Limitations within each individual control permit.

Thank you for your cooperation during this process. If there is anything further you require please call.

Sincerely,

A handwritten signature in cursive script, reading "Paul Bittmenn", written over a horizontal line.

Paul Bittmenn
Cedar City Attorney

Attachment 1

10. Local Limits:

DWO Audit Findings:

- The Local Limits shall be submitted with attorney statement, 40 CFR 403.9 (b)(1)(i)(iii). The local limits shall as well need to include information that the City Council had approved the Local Limits, 40 CFR 403.9 (b)(2). As well the Local Limit submittal shall include the additional information required by 40 CFR 403.9 (b)(3)-(4).

10.2.1

DWO Required Action:

- The Local Limits need to be submitted with the spreadsheets, via e-mail, used for developing the local limits.

CCRWTF Action:

COMPLETE

Sent DWQ Local Limit Spreadsheets, and Report via E-Mail/USPO.

- Attachment 3

10.2.2

DWO Required Action:

- The Local Limits for TTO will not be allowed to be included as 2.13 mg/L. This limit is not technically based and therefore it cannot be approved.

CCRWTF Action:

COMPLETE

The CCRWTF has removed the Local Limitation, (2.13 mg/l) for pollutant Total Toxic Organics, (TTO) from the Local Limit Report. As well, the CCRWTF has included language within report supporting a future re-evaluation if data indicated specific organic components within the span of TTO pollutant parameters were causing problems at POTW.

10.2.3

DWQ Required Action:

- BOD and TSS are conventional pollutants and should not be developed using removal efficiency. The information regarding the removal efficiency regarding BOD and TSS should be taken out of Local Limit Development Report.

CCRWTF Action:

COMPLETE

Per request from DWQ the information regarding the removal efficiency regarding BOD and TSS was stricken from the Local Limit Development Report.

10.2.4

DWQ Required Action:

- The BOD and TSS remaining for allocation needs to be stated in the Local Limit Development Report.

CCRWTF Action:

COMPLETE

Per request from DWQ, CCRWTF included narrative language within the Local Limit Development Report of which stated the remaining allocation for priority pollutants BOD, and TSS.

10.2.5

DWQ Required Action:

- Develop a list of Acronym used in the Local Limit document.

CCRWTF Action:

COMPLETE

Per request from DWQ, a list of acronym's can be found on page three, (3) of the Local Limit Documentation Report.

10.2.6

DWO Required Action:

The Local Limits must be submitted per the requirements of 40 CFR 403.18 and 403.9.

Pursuant to 40 CFR 403.18 and 403.9, the Cedar City Pretreatment Program, (approved) shall submit to the Approval Authority, Utah State Department of Water Quality, (DWQ) the 2008 Cedar City Local Limit Development Report. The CCRWTF has itemized all associated regulatory requirements, (applicable to the submission of the Local Limit Development Report) to display compliance with said 40 CFR 403.18, and 403.9 statutes. The following documentation/information shall be submitted to DWQ:

- 40 CFR 403.18 (a) – Either the Approval Authority or a POTW with an approved POTW Pretreatment Program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW Pretreatment Program that differs from the information in the POTW's submission, as approved under 403.11.

CCRWTF Action: COMPLETE

- Significant Change = Local Limit Report.

DWO Required Action:

- 40 CFR 403.18 (7) – Other modifications designated as substantial modifications by the Approval Authority on the basis that the modification could have a significant impact on the operation of the POTW's Pretreatment Program; could result in an increase in pollutant loadings at the POTW; or could result in less stringent requirements being imposed on Industrial Users of the POTW.

CCRWTF Action: COMPLETE

- Although the impact to the Pretreatment Program is expected, it is not expected to be significant. As well, the pollutants of which the Local Limit Development Report has identified to be less stringent than prior are not expected to result in an increase in pollutant loadings at the POTW. The pollutant, (Lead) of which the Local Limit Development Report has identified to be more stringent than prior is not expected to negatively impact, (by causing the implementation of additional treatment technology, and/or increase in treatment costs) to any present permitted industrial users. Finally, all permitted industrial user discharge data has been evaluated to identify past and

present regulatory issues with newly derived Local Limit parameters, Arsenic and Selenium. As of present, the CCRWTF has not found any past or present regulatory issues exceeding above mentioned newly derived parameters.

DWO Required Action:

<<Attorney-Paul B.>>

- 40 CFR 403.18 (c) – The POTW shall submit to the Approval Authority a statement of the basis for the desired program modification, a modified program description, (see 403.9 (b))
 - 40 CFR 403.9 (b) – *Contents of POTW program submission.* The program description must contain the following information:
 - (1) – A statement from the city solicitor or a city official acting in a comparable capacity (or the attorney for those POTW's which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in 403.8. This statement shall:

CCRWTF Action: COMPLETE

- Letter drafted by Paul Bittmen, Cedar City Attorney. Letter shall incorporate steps Cedar City shall take; outlined within (iii) below.
 - (i) Identify the provisions of the legal authority under 403.8 (f)(1)
 - Reference: 40 CFR 403.8 (f)(iii) – Control through permits.
 - 40 CFR 403.8 (f)(2) – All procedures are being followed.
 - (ii) Identify the manner in which the POTW will implement the program requirements set forth in 403.8, including the means by which Pretreatment Standards will be applied to individual Industrial Users (e.g. , by order, permit, ordinance, etc.); and
 - The CCRWTF shall implement the related program requirements through the use of Industrial User Wastewater Discharge Permits.
 - (iii) Identify how the POTW intends to ensure compliance with Pretreatment Standards and Requirements, and to enforce them in the event of noncompliance by Industrial Users;

- The CCRWTF shall submit Local Limit Report pursuant to 403.18 yet, shall wait for DEQ to public notice and approve prior to bringing to Council.
 - Upon CCRWTF receiving formal letter from Approval Authority identifying acceptance/approval of Local Limits, and completion of the publication in major newspaper, (30 days) the CCRWTF shall present Local Limit Development Report with DEQ acceptance/30-day public notice letter to Council. Each permitted industrial user shall be informed of the modifications and Control Authority shall document/archive all correspondence.
 - Upon City Council approving the Local Limit Development Report, the CCRWTF shall submit to DEQ letter and attached Council approval minutes pursuant to 403.18 and 403.9. At which point, the CCRWTF shall implement up-dated Local Limitations within each individual control permit.
 - The CCRWTF shall follow its ERP to ensure compliance with Pretreatment Standards/Local Limitations and requirements through the use of procedures in place for identifying, acting on violations of any industrial user.
- (2) Submit to DWQ: A copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the Program.
 - Submit to DWQ- Current Ord. 30a.- Mayor Signature.
 - Attachment 2.
 - This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW Pretreatment Program if approved.
 - Bring to city council as a line item. Have Mayor sign, and copy minutes showing approval of Local Limits from council.
 - (3) Submit to the DWQ: A brief description (including organization charts) of the POTW organization which will administer the Pretreatment Program.

- Have made a line/label flow chart of organization, (CCRWTF).
 - Attachment 3.
- (4) Submit to the DWQ: A description of the funding levels and full-and part-time manpower available to implement the program.
- The Cedar City Pretreatment Program is incorporated within the Cedar City Regional Wastewater Treatment Facility, (CCRWTF) budget. The Pretreatment Program does not have its own budget. The Pretreatment Program is subsidized by the CCRWTF because Program cannot presently self-sustain.
 - Attachment 1
- Note: pursuant to 40 CFR 403.11(b) – the CCRWTF has been informed by DEQ (Matt Garn) public notice of Local Limit Development Report shall be enabled by DEQ for a period no less than 30 days. Cedar City is not required to enable additional public notice unless local laws/regulations require. It will be Cedar City's position not to enable additional public notice.



Cedar City Regional Wastewater Reclamation Facility

Report

Local Limits Development

November 2008

Revised March 2013

TABLE OF CONTENTS

	Page
1. Introduction	4
2. Industrial Users	4
3. Background	4
4. Metals	5
5. Maximum Allowable Headwork Development	5
6. Safety and Growth Factor	5
7. Design MAHL Development	5
8. Priority Pollutant Analysis	7
9. Total Toxic Organics	8
10. Non Petroleum Oil and Grease Limitation	8
11. Limitation on pH Discharges	9
12. Plant Design Analysis	9
13. BOD/TSS Determination	11
14. Local Limit Allocations For BOD and TSS	12
15. Local Limit Determination For Metals	13
16. Metals Removal Efficiency	14
17. Local Limit Determination For Metals	16

Acronyms Used in this Report

SIU	Significant Industrial User
POTW	Publically Owned Treatment Works
UPDES	Utah Pollution Discharge Elimination System
USEPA	United States Environmental Agency
CCRWTF	Cedar City Regional Wastewater Treatment Facility
DAF	Dissolved Air Flotation
DWQ	Department of Water Quality
DEQ	Department of Environmental Quality
EPA	Environmental Protection Agency
UAC	Utah Annotated Code
CFR	Code of Federal Regulations
BOD	Biochemical Oxygen Demand
TSS	Total Suspended Solids
MAHL	Maximum Allowable Headwork's Limit
MAIL	Maximum Allowable Industrial Loading
MGD	Million Gallons Per Day
TTM	Trailing Twelve Months
Mg/l	Milligrams Per/Liter
Lbs./Day	Pounds Per/Day
TTO	Total Toxic Organics
SVO	Semi-Volatile Organics
VOC	Volatile Organic Compounds
O&G	Oil, and Grease
pH	Potential of Hydrogen
DAF	Dissolved Air Flotation
WQF	Western Quality Foods
ICP	Inductively Coupled Plasma
ICP-MS	Inductively Coupled Plasma Mass Spectrometry
ASTM	American Standard Test Method

Local Limit Development

Introduction:

The Cedar City Regional Wastewater Treatment Facility (CCRWTF) is required to develop priority pollutant effluent limitations pursuant to the United States Code of Federal Regulations 40 CFR 403 and the CCRWTF Pretreatment Ordinance 30a. This report describes the methods used to develop technically based local limits. Cedar City originally developed technically based local limits in April 1999, and again in December 2002. This document supersedes the previous Local Limit Development completed in December 2002. The objectives of the CCRWTF local limits are to prevent overload, process interference, sludge disposal interference, and treatment pass-through that would threaten receiving ground water quality, or crops irrigated with the treatment facility effluent.

Industrial Users:

There are currently three Significant Industrial Users, (SIU) that can significantly impact the treatment facility---Western Quality Food Products, (a dairy processing plant), White Wave Foods, (a soy processing plant), and Longview Fibre Company (a paper manufacturing plant). All three facilities perform varying amounts of pretreatment before discharging to the Publicly Owned Treatment Works (POTW). The POTW also receives discharges from four categorical industrial users---Metal Craft Technologies, Cerro Copper, Lozier Inc, and Xeco Inc.

Background:

The statement of basis for Cedar City Regional Wastewater Treatment Facility UPDES discharge permit, effective September 1st 2007, states under the Description of Discharge that:

“The CCRWTF does not discharge to waters of the state. The CCRWTF discharges to a permitted land-application site partially owned by Cedar City and by private individuals with whom there is an agreement to discharge onto their property. Ground water quality associated with the effluent land application is regulated by a ground water permit issued by the Division of Environmental Quality (DEQ).”

Metals:

Because the facility discharges to agricultural land and not to the waters of the United States, the statement of basis was modified for this Local Limit Study to represent the lowest possible standard. In order to protect the CCRWTF beneficial use of biosolids, and groundwater quality, the CCRWTF shall enable the most stringent Local Limit numeric. Local Limits shall be based on a combination of 40 CFR 503.13 Table 4 conversion, UAC R317-6-2, and applicable data entered within United States Environmental Protection Agency, (USEPA) Local Limit spreadsheets.

Maximum Allowable Headwork Development:

The two ways to calculate the Maximum Allowable Headwork's Limit, (MAHL) for the treatment facility is to use the design of the facility or to use the facility's actual operating data. The latter will tend to allow a larger amount of loading until the facility approaches flow and pollutant capacity.

Safety and Growth Factor:

The recommended combined safety factor for allocation of the headwork load is 25 percent. This includes a 15 percent safety factor and a 10 percent growth factor. The combined safety and growth factor allows for fluctuations in flow, BOD, TSS, and treatment facility efficiency.

Design MAHL Development:

Compatible pollutant load maximums are based on the design criteria of the treatment facility. The plant is currently operating at approximately 2.5 million gallons per day (MGD) with a design capacity of 4.4 MGD. Currently, the flow to the facility is 57 percent of design. The facility design criterion for BOD and TSS is 9,616 lbs. per day and 9,284 lbs. per day respectively. The average BOD loading is 57.5 percent of design capacity and the average TSS loading is 72.3 percent of design capacity.

Western Quality Food Products and White Wave Foods are the largest two contributors to the treatment facility. Western Quality Food Products, White Wave Foods, and Xeco are permitted based on lbs. per day loading while Longview Fibre, Cerro Copper, Lozier, and Metalcraft are presently being permitted using mg/L limitations. The data for the latter four industries have been converted from mg/L to lbs. per day using site-specific flow.

The flow, BOD, and TSS data was obtained from samples taken over a period of one year (January 1, 2007 through December 31, 2007). The samples collected during the one-year period will be defined as regulatory pursuant to the NPDES permit and the individual industrial wastewater discharge permits. In addition, all compliance sampling was included in the data. The data was not collected concurrently for all contributors and thus some assumptions had to be made to be able to distribute the BOD and TSS loads.

Domestic and commercial discharges were combined due to the complexity of the sewer system and the close proximity of domestic and commercial discharges. The domestic and commercial loadings were obtained by subtracting the industrial flows from the totals recorded at the plant.

Table 1: BOD and TSS Loading:

Monthly AVG (ttm)	Flow (MGD)	BOD (mg/L)	BOD (lbs/day)	TSS (mg/L)	TSS (lbs./day)
Plant influent	2.498	285	5,940	324	6,738
Western Quality Food	0.107173	290	259	10	9
White Wave Foods	0.020613	820	141	72	12
Longview Fibre	0.001615	42.3	0.57	4.15	0.05
Metalcraft Technologies	0.00136	6.6	0.07	6.0	0.07
Xeco Inc.	0.0007	355	1.99	26.3	0.14
Cerro Copper	0.004814	100.4	4.14	28.0	0.89
Lozier Corporation	0.0055	100	4.51	36.0	1.46
Domestic & Commercial	2.36	281	5,528	341	6,714

Table 2: Industry Allocation (BOD)

	Flow (MGD)	BOD (mg/L)	BOD (lbs./day)	BOD Loading (lbs./day)	lbs./day Allocation
Western Quality Food	0.107173		600	536.29	600
White Wave Foods	0.020613		200	34.38	200
Longview Fibre	0.001615	30		0.40	0.40
Metalcraft Technologies	0.00136	300		3.40	3.40
Xeco Inc.	0.0007		20	0.116	20
Cerro Copper	0.004814	300		12.04	12.04
Lozier Corporation	0.0055	300		13.76	13.76
Allocated to Industry					850

Table 3: Industry Allocation (TSS)

	Flow (MGD)	TSS (mg/L)	TSS (lbs./day)	TSS Loading (lbs./day)	lbs./day Allocation
Western Quality Food	0.107173		400	69	400
White Wave Foods	0.020613		150	26	150
Longview Fibre	0.001615	10		0.13	0.13
Metalcraft Technologies	0.00136	300		3.40	3.40
Xeco Inc.	0.0007		20	0.116	20
Cerro Copper	0.004814	300		12.04	12.04
Lozier Corporation	0.0055	300		13.76	13.76
Allocated to Industry					599

Priority Pollutant Analysis:

The local limit study evaluated the following pollutants:

Non-Metals: BOD, TSS, Oil and Grease

Metals: Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, and Zinc.

Total Toxic Organics:

The division reviews Total Toxic Organic (TTO) data to determine potential effects on the CCRWTF and to assess regulatory compliance with categorical TTO limitations. CCRWTF influent waste stream TTO concentrations, which include Semi-Volatile Organics (SVO) and Volatile Organic Compounds (VOC), are reviewed to determine potential impact to the Publicly Owned Treatment Works (POTW). Through annual CCRWTF regulatory NPDES influent and effluent sampling and analysis, the CCRWTF at present has not identified any potential TTO issues. Since the TTO is not technically based and cannot be approved, at the request of DEQ, it has been removed from the local limits. A TTO limit shall only be applicable to Categorical Standards per the Federal Code of Regulations. Through continued regulatory CCRWTF influent and effluent TTO analysis, future site specific TTO Local limitations and parameters of interest may be developed. If there is an organic pollutant that is or could be causing problems at the CCRWTF, then the development of the Local Limit shall be evaluated per USEPA Local Limit Development Guidance document from July 2004 or guidance from the DEQ personnel.

Non-Petroleum Oil and Grease Limitation:

Petroleum based Oil and Grease are prohibited in accordance with 40 CFR 403.5(b)(6). The typical treatment facility treating most domestic wastewater will reliably remove at least 90 percent of all oil and grease entering the system. Using the 90 percent removal criteria, the influent local limit of 100 mg/l will be maintained by the CCRWTF. The following chart indicates analytical results for Oil and Grease conducted at the influent of the CCRWTF.

Table 4: Oil, and Grease:

Sample Date	1/1/2002	1/1/2003	1/1/2004	1/1/2005	1/1/2006	1/1/2007	Detection Limit
O & G	14.5	26	18.5	11.8	18	13	5.0

Limitations on pH discharges:

As of the completion date of this Local Limit Report, the CCRWTF and integrated collection system have not conducted a pH specific study to determine the net effect to the POTW or collection system from high or low pH discharges. Additionally, the city has no empirical data to support a deviation from the low or high pH limits outlined in 40 CFR 403.5 (b)(2) and 40 CFR 261.22 (a)(1). The city shall hereby incorporate both 40 CFR 403.5 (b)(2), and 40 CFR 261.22 (a)(1) as the local limitation for pH. The city shall not allow pH discharges less than 5.0 or greater than or equal to 12.5.

Plant Design Analysis:

The plant was designed to treat 9,616 lbs. per day of BOD. Table 1 shows the current BOD loading from domestic and commercial users to be 5,528 lbs. per day. By subtracting both the domestic and commercial load of 5,528 lbs. per day, and the allocated industrial user BOD load of 850 lbs. per day from the design load, you find a total remaining BOD result of 3,238 lbs. per day. A safety and growth factor of 25 percent reduces this amount by 810 lbs. per day leaving an available usable load of 2,428 lbs. per day.

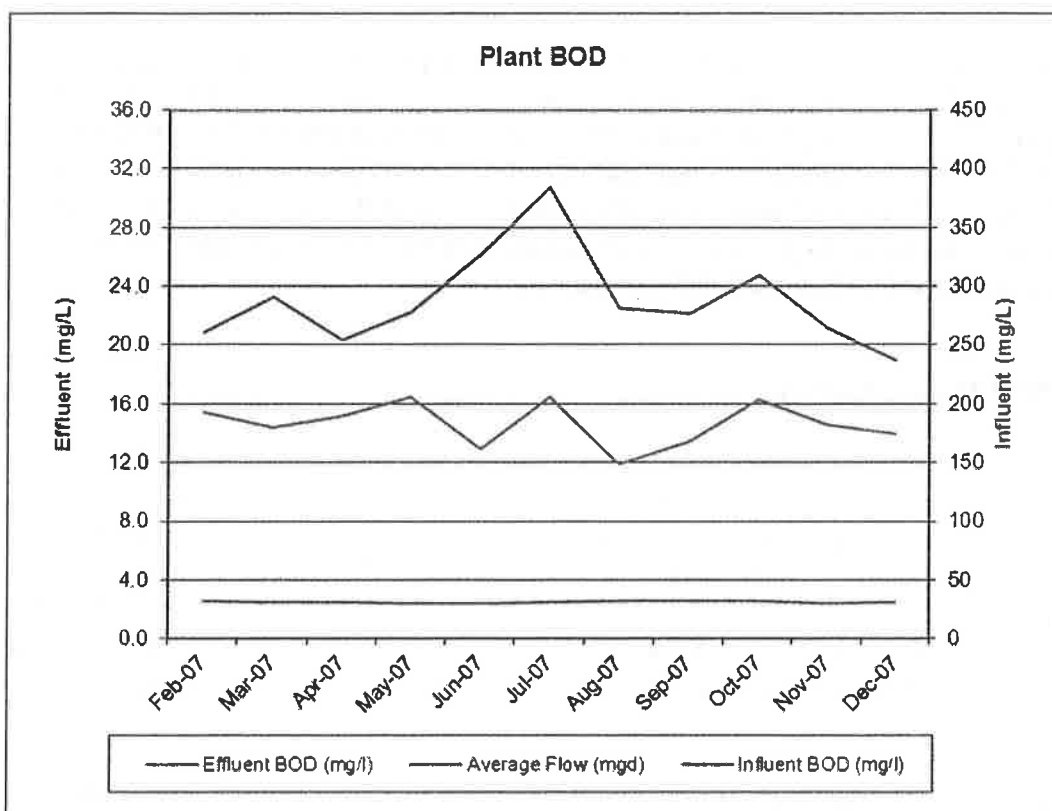
BOD Design Analysis

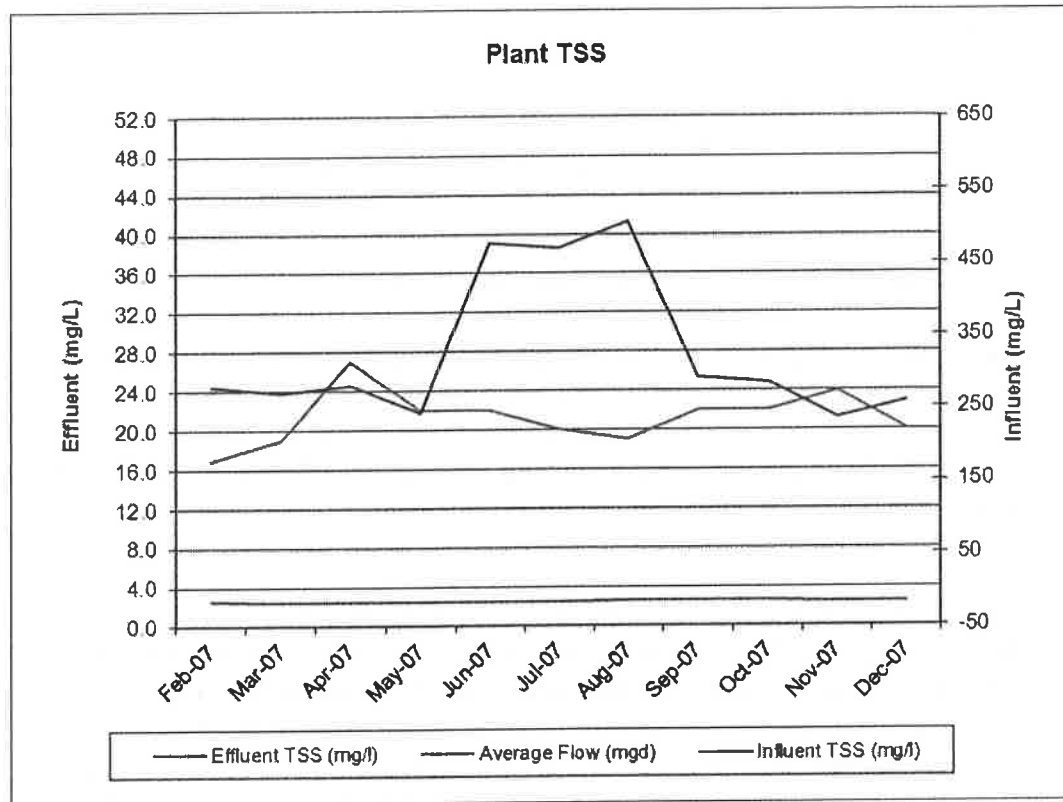
Total load by design	9,616 lbs. /day
Current Domestic and Commercial Load	5,528 lbs. /day
Load Allocated to Industrial Users	850 lbs. /day
Remaining BOD Load	3,238 lbs. /day
Safety and Growth Factor	810 lbs. /day
Total available for Allocation	2,428 lbs. /day
Available Usable Load	2,428 lbs. /day

The plant was designed to treat 9,284 lbs. per day of TSS. Table 1 shows the current TSS loading from domestic and commercial users to be 6,714 lbs. per day. By subtracting both the domestic and commercial load of 6,714 lbs. per day, and the allocated industrial user TSS load of 599 lbs. per day from the design load, you find a remaining TSS result of 1,971 lbs. per day. A safety and growth factor of 25 percent reduces this amount by 493 lbs. per day leaving an available usable load of 1,478 lbs. per day.

TSS Design Analysis

Total load by design	9,284 lbs. /day
Current Domestic and Commercial Load	6,714 lbs. /day
Load Allocated to Industrial Users	599 lbs. /day
Remaining BOD Load	1,971 lbs. /day
Safety and Growth Factor	493 lbs. /day
Total available for Allocation	1,478 lbs. /day
Available Usable Load	1,478 lbs. /day





BOD and TSS Determination:

Technically based local limits for BOD and TSS were developed for CCRWTF based on the available data. The city has conducted sampling for industrial contributors and for domestic flows in various parts of the collection system. Sampling was performed to determine the strength of the wastewater from domestic use only.

Table 5: Domestic Sampling:

	Date	BOD	TSS	Oil & Grease
Enoch Line	10/24/07	320	190	44
Cove Line	11/14/07	210	150	44
Cedar Meadows	11/27/07	250	240	61
College Way	12/12/07	260	200	32
Northfield	1/03/08	170	140	68
400 N. 1500 W.	1/29/08	180	72	68
1725 N. Main Street	2/14/08	270	160	210
Average		237	165	75

Although there has not been a significant increase of allocated BOD and TSS lbs. per day to industry, Cedar City's domestic and commercial growth has increased significantly over the past years. The domestic and commercial loadings were obtained by subtracting the industrial loadings from the total loading recorded at the plant influent. As such, assumptions will need to be made for domestic and commercial BOD and TSS load at the CCRWTF.

LOCAL LIMIT ALLOCATIONS FOR BOD AND TSS:

There has been a noticeable increase in TSS loading at the treatment facility over the past two years. Most of which can be contributed to the larger than normal growth rate. During the abnormal growth rate in 2007, the average removal efficiency for BOD was still 95 percent and the removal efficiency for TSS during the same period was 93.2 percent.

In the past, Western Quality Food Products (WQF) was a large contributor of BOD to the treatment facility. At the request of Cedar City, WQF installed a pretreatment system. The system primarily consists of an aeration tank and a Dissolved Air Floatation (DAF) tank. After the installation of their pretreatment system, the loading contributed by WQF was significantly reduced. As seen in table 3, WQF is consistently below their allocated BOD and TSS permitted limits.

White Wave Foods (WWF) has been consistently below their TSS allocation; thus, the CCRWTF will reevaluate both WQF, and WWF allocation limit during the next permit renewal. Between WQF and WWF, the anticipated reduction in allocated TSS will be 300 lbs. per day. For industry WQF the anticipated reduction in allocated BOD will be 200 lbs. per day.

Table 6: Proposed Allocation Adjustment:

	BOD Allocation (lbs./day)			TSS Allocation (lbs./day)		
	Current	Proposed	Change	Current	Proposed	Change
Western Quality Foods	600	400	-200	400	150	-250
White Wave Foods	200	200	0	150	100	-50
Allocation Savings	800	600	-200	550	250	-300

The Maximum Allowable Industrial Loading (MAIL) will not be uniformly distributed. It will be distributed among the industrial users with the remaining portion being available (unallocated) for future industrial and commercial growth. As detailed within the BOD and TSS Plant Design Analysis section of this report, the available usable BOD load to be 2,428 lbs. per day. The available usable TSS load is 1,478 lbs. per day. Future allocations of BOD and TSS to non-domestic sources will be distributed on a case-by-case basis.

Local Limit Determination for Metals:

The treatment facility discharges to a land application site and does not discharge to a body of water. Through guidance from the State of Utah DEQ the CCRWTF shall use the most stringent local limit numeric. In order to protect the CCRWTF beneficial use of biosolids and groundwater quality, the local limits shall be based on a combination of 40 CFR 503.13 Table 4 conversion, UAC R317-6-2 and applicable data entered within USEPA Local Limit spreadsheets titled, Local Limits Determination Based on NPDES Daily Effluent Limits, and Local Limits Determination Based on USEPA 503 Sludge Regulations. As applicable to the 40 CFR 503.13 Table 4 currently, there are 2,400 acres permitted in the land application site. Due to the open ditch irrigation of the land application site, the acreage used for calculating the limit was decreased from 2,400 acres to 1,200 acres to ensure protection of the groundwater around the feeder ditches. The influent flow used is 2.498 million gallons per day. The following formula was used to calculate an mg/L limit from the 40 CFR 503.

$$\text{Metal limit} = (N * 2.2046223 * A) / (2.47105 * 365 * 8.34 * F)$$

Where: N = Pollutant limit per 40 CFR 503
 A = Number of acres in the land application site
 F = Treatment facility influent flow

Table 7: Metal Limitation Comparison:

	40 CFR 503.13 Table 4 (lbs./day)	40 CFR 503.13 Conversion (mg/L)	UAC R317-6-2 (mg/L)	NPDES Daily Eff. Table 12	503 Sludge Reg. Table 13
Arsenic	2.0	0.2815	0.05	0.9064	0.4888
Cadmium	1.9	0.2675	0.005	0.2095	0.2291
Chromium	No Limit	No Limit	0.1	2.9724	No Limit
Copper	75	10.56	1.3	30.5257	13.4534
Cyanide	No Limit	No Limit	0.2	6.5232	No Limit
Lead	15	2.11	0.015	0.4166	2.1678

Mercury	0.85	0.12	0.002	0.5424	0.0717
Molybdenum	No Limit	No Limit	No Limit	No Limit	No Limit
Nickel	21	2.96	No Limit	No Limit	5.7436
Selenium	5.0	0.704	0.05	1.4942	0.7203
Silver	No Limit	No Limit	0.1	3.9821	No Limit
Zinc	140	19.71	5	150.9488	18.2818

Metals Removal Efficiency:

The calculated removal efficiency for priority pollutant metals are obtained from samples taken over a period of six years (2002 through 2007). When the analysis was at or below the detection limit, the data is recorded at one-half the detection limit.

Table 8: Influent Sampling Results:

Sample Date	1/1/2002	1/1/2003	1/21/2004	1/11/2005	1/1/2006	1/10/2007	Detect ion Limit
	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
Arsenic	0.05	0.05	0.05	0.0025	0.0025	0.0025	0.005
Cadmium	0.0025	0.0025	0.0025	0.002	0.002	0.002	0.004
Chromium	0.0025	0.0025	0.0025	0.005	0.005	0.005	0.01
Copper	0.04	0.04	0.04	0.045	0.049	0.052	0.004
Lead	0.035	0.035	0.035	0.0025	0.0089	0.0025	0.005
Mercury	0.0002	0.0002	0.0001	0.0001	0.00039	0.0001	0.0002
Molybdenum	0.01	0.03	0.01	0.02	0.02	0.02	0.04
Nickel	0.005	0.005	0.005	0.0025	0.0025	0.0075	0.005
Selenium	0.05	0.05	0.05	0.0025	0.0025	0.0025	0.005
Silver	0.0025	0.0025	0.0025	0.0025	0.0025	0.0025	0.005
Zinc	0.13	0.08	0.1	0.12	0.18	0.091	0.01
Cyanide	0.001	0.001	0.001	0.0025	0.007	0.0025	0.005
Oil & Grease	14.5	26	18.5	11.8	18	13	5.0

Table 9: Effluent Sampling Results:

Sample Date	1/1/2002	1/1/2003	1/1/2004	1/1/2005	1/1/2006	1/1/2007	Detection Limit
	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
Arsenic	0.05	0.0025	0.05	0.0025	0.0025	0.0025	0.005
Cadmium	0.001	0.0021	0.0025	0.002	0.002	0.002	0.004
Chromium	0.0035	0.0035	0.0025	0.005	0.005	0.005	0.01
Copper	0.025	0.025	0.05	0.021	0.015	0.015	0.004
Lead	0.0025	0.0025	0.035	0.0055	0.0025	0.0025	0.005
Mercury	0.0002	0.0002	0.0001	0.0001	0.0001	0.0001	0.0002
Molybdenum			0.03	0.02	0.02	0.02	0.04
Nickel			0.005	0.013	0.0025	0.0057	0.005
Selenium	0.001	0.0128	0.05	0.0025	0.0025	0.0025	0.005
Silver	0.005	0.002	0.0025	0.0025	0.0025	0.0025	0.005
Zinc	0.01	0.067	0.04	0.1	0.089	0.005	0.01
Ammonia	1.08	2.04	4.6	3.68	3.69	7.6	0.1

Since a majority of the metal analysis for the influent and effluent are at or below detectable limits, they will not be considered accurate in terms of analytical data to determine accurate metals removal efficiency. Therefore, the percentage removal efficiency for metals was adjusted on the following parameters, Cadmium, Chromium, Lead, Mercury, Nickel, and Silver. The adjusted metal removal efficiencies were taken as a median from the USEPA Local Limits Development Guidance Appendices Appendix R for trickling filter treatment facilities and are based on case studies among various treatment facilities throughout the state of Utah and USEPA region 8. Using various case studies on mercury in Utah and USEPA region 8, the removal efficiency for mercury was set at 95%. Arsenic, copper, selenium, and zinc were derived through actual plant data and are within the parameters of realistic removal percentage. The resulting removal efficiencies for metals are shown within table 10.

Table 10: Calculated Removal Efficiencies:

Parameter	MEAN Average Influent	Average Effluent	MRE PERCENT REMOVAL %	ADRE PERCENT REMOVAL %
ARSENIC	0.02625	0.01833	30.158	15.833
CADMIUM	0.00225	0.00193	68.000	12.666
CHROMIUM	0.00375	0.00408	55.000	-13.333
COPPER	0.04433	0.02516	43.233	40.645
LEAD	0.01981	0.00841	55.000	22.937
MERCURY	0.00018	0.00013	95.000	12.393
NICKEL	0.00458	0.00655	29.000	-32.666
SELENIUM	0.02625	0.01188	54.730	28.733
SILVER	0.00250	0.00283	66.000	-13.333
ZINC	0.11683	0.05183	55.634	55.047
CYANIDE	0.00250		59.000	55.047

LOCAL LIMIT DETERMINATION FOR METALS:

Sampling was performed to determine the strength of wastewater from domestic sources. During the first three quarters of 2007, all priority metals were analyzed using method 200.7 (ICP). In all other quarters, all priority metals, except mercury and cyanide, were analyzed using method 200.8 (ICP-MS). For the purpose of this local limit evaluation EPA method 1631 was used for analysis of mercury and method ASTM D2036 was used for analysis of cyanide. The locations for the sampling were chosen to best represent domestic and commercial loadings. Because of the placement of most non-permitted industries and restaurants, it was difficult to completely isolate domestic and commercial wastes.

Table 11: Background Domestic Wastewater Sampling:

Date of Sample	10/24/07	11/14/07	11/27/07	12/12/07	1/3/08	1/29/08	1/2/08
Location	Enoch Line	Cove Line	Cedar Meadows	Collage Way	Northfield	400 W. 1500 N.	1725 N. Main
	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
Aluminum	1.1	0.59	0.93	1.1	0.91	0.42	0.87
Antimony	0.0003	0.0005	0.0005	0.0005	0.0006	0.001	0.001
Arsenic	0.005	0.0043	0.0037	0.0033	0.0033	0.0033	0.0033
Cadmium	0.0001	0.0001	0.00024	0.0001	0.0002	0.00009	0.0002
Chromium	0.003	0.0031	0.0024	0.0014	0.0026	0.002	0.004
Copper	0.033	0.036	0.024	0.039	0.041	0.027	0.029
Lead	0.002	0.00099	0.0011	0.0016	0.0018	0.0046	0.0027
Mercury	0.000026	0.000017	0.0000232	0.0000828	0.0000537	0.0000127	0.0000295
Molybdenum	0.001	0.0012	0.0017	0.001	0.0009	0.0012	0.0009
Nickel	0.005	0.006	0.0091	0.0047	0.0049	0.0062	0.008
Selenium	0.002	0.001	0.001	0.0003	0.0003	0.0008	0.0004
Silver	0.0001	0.0002	0.0004	0.002	0.001	0.0004	0.0003
Zinc	0.11	0.1	0.13	0.13	0.11	0.078	0.12
Cyanide	0.0025	0.0025	0.0025	N/D	0.003	0.01	0.014

With guidance from the State of Utah DEQ, the CCRWTF shall exclude the 40 CFR 503.13 Table 4 limitations and corresponding mg/l conversion from this local limit evaluation report. The CCRWTF felt the 503.13 conversion imposed accurate local limitations as a means to protect the groundwater quality at the land application site but the lack of applicable POTW data justifies said exclusion. Additionally, the CCRWTF shall exclude the UAC R317-6-2 Groundwater Quality Standards as a local limitation standard from this report. This, as well, is rationalized through lack of all applicable POTW data.

However, the UAC R317-6-2 Groundwater Quality Standards shall stand as the incorporated NPDES daily mg/L limits and are included in the USEPA local limit spreadsheet here titled, Table 12. After consulting with DEQ, the CCRWTF shall use spreadsheet named and titled Local Limits Determination Based on USEPA 503 Sludge Regulations Table-13. Table-13 incorporates applicable CCRWTF data as a means to protect the beneficial disposal use of the CCRWTF biosolids.

Table 12: Local Limits Determination Based on NPDES Daily Effluent Limits:

IU-Pol. Flow (MGD)	POTW Flow (MGD)	Removal Efficiency (%)	NPDES Daily Limit (mg/l)	Domestic- Conc. (mg/l)	Com. Flow (MGD)	Allowable HWK's (lbs./day)	Dom./Com. (lbs./day)	Allowable Loading (lbs./day)	Local Limit (mg/l)	Safety Factor SF%	Pollutant
0.138	2.498	30	0.05	0.0037	2.36	1.488094	0.072824	1.04324	0.90644	25	Arsenic
0.138	2.498	68	0.005	0.00015	2.36	0.325520	0.002952	0.24118	0.20956	25	Cadmium
0.138	2.498	55	0.1	0.0026	2.36	4.629626	0.051174	3.42104	2.97244	25	Chromium
0.138	2.498				2.36	-	0	-	-	25	Hex.Chr.
0.138	2.498	43.233	1.3	0.033	2.36	47.70961	0.649519	35.13269	30.52574	25	Copper
0.138	2.498	59	0.2	0.0058	2.36	10.16259	0.114157	7.50778	6.52329	25	Cyanide
0.138	2.498	0			2.36	-	0	-	-	25	Iron
0.138	2.498	55	0.015	0.0021	2.36	0.694444	0.041333	0.47949	0.41662	25	Lead
0.138	2.498	95	0.002	0.000035	2.36	0.833332	0.000688	0.62431	0.54244	25	Mercury
0.138	2.498	0		0.0011	2.36	-	0.021650	-	-	25	Moly.
0.138	2.498	29		0.0063	2.36	-	0.123999	-	-	25	Nickel
0.138	2.498	55	0.05	0.00083	2.36	2.314813	0.016336	1.71977	1.49425	25	Selenium
0.138	2.498	66	0.1	0.00063	2.36	6.127447	0.012399	4.58318	3.98219	25	Silver
0.138	2.498	55.634	5	0.12	2.36	234.7892	2.361888	173.730	150.94885	25	Zinc

Table 13: Local Limits Determination Based on USEPA 503 Sludge Regulations

IU Poll. Flow (MGD)	POTW Flow (MGD)	Sludge Flow (MGD)	Percent Solids (%) PS	Removal Effic. (%)	503 Sludge Criteria (mg/kg)	Dom. Conc. (mg/l)	Com. Flow (MGD)	Allowable HWK (lbs./day)	Dom./Com. (lbs./day)	Allowable Loading (lbs./day) (Lind)	Local Limit (mg/l) (Cind)	Safety Factor SF %	Pollutant
0.138	2.498	0.018	4.13	30	41	0.0037	2.36	0.84732	0.07282	0.56267	0.48888	25	Arsenic
0.138	2.498	0.018	4.13	68	39	0.00015	2.36	0.35558	0.00295	0.26373	0.22915	25	Cadm.
0.138	2.498	0.018	4.13	55		0.0026	2.36	-	0.05117	-	-	25	Chrom.
0.138	2.498	0.018	4.13	0		0	2.36	-	0	-	-	25	Hex. Chr.
0.138	2.498	0.018	4.13	43.233	1500	0.033	2.36	21.51119	0.64951	15.48387	13.45347	25	Copper
0.138	2.498	0.018	4.13	59		0.0058	2.36	-	0.11415	-	-	25	Cyanide
0.138	2.498	0.018	4.13	0		0	2.36	-	0	-	-	25	Iron
0.138	2.498	0.018	4.13	55	300	0.0021	2.36	3.38179	0.04133	2.49501	2.16784	25	Lead
0.138	2.498	0.018	4.13	95	17	0.000035	2.36	0.11094	0.00068	0.08252	0.07170	25	Mercury
0.138	2.498	0.018	4.13	0		0.0011	2.36	-	0.02165	-	-	25	Moly.
0.138	2.498	0.018	4.13	29	420	0.0063	2.36	8.97924	0.12399	6.61043	5.74361	25	Nickel
0.138	2.498	0.018	4.13	55	100	0.00083	2.36	1.12726	0.01633	0.82911	0.72039	25	Selenium
0.138	2.498	0.018	4.13	66		0.00063	2.36	-	0.01239	-	-	25	Silver
0.138	2.498	0.018	4.13	55.634	2800	0.12	2.36	31.20371	2.36188	21.04090	18.28181	25	Zinc

Local Limits Determination shall be based on applicable data entered into both Table-12, and Table-13 respectfully. The CCRWTF shall incorporate Local Limit numerical standards for the following heavy metals; Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, and Zinc. The Local Limits are based on pounds per day not pounds per month. As such, it was determined that it was not necessary to have a monthly average local limitation basis, and implementation of a maximum for any one day local limitation basis was recommended by DEQ. As detailed in table 14, the maximum for any one day limitation for cadmium, chromium, lead, and silver were taken from table 12. Additionally, the maximum for any one day limitation for arsenic, copper, mercury, nickel, selenium, and zinc were taken from Table 13. Since there are no limits within 40 CFR 503.13 Table 4, UAC R317-6-2, and 40 CFR 503 for parameter molybdenum a local limit cannot be determined. As such, the CCRWTF shall not enable a local limitation for parameter molybdenum.

The CCRWTF reviews Cyanide data to determine potential effects on the CCRWTF, and to assess regulatory compliance with categorical limitations. Through quarterly CCRWTF regulatory NPDES influent and effluent sampling and analysis, the CCRWTF has not identified any potential Cyanide issues. After consulting with DEQ, Cyanide shall be removed as a local limit. A Cyanide limit shall only be applicable to Categorical Standards per the Federal Code of Regulations. Through continued regulatory CCRWTF influent, and effluent Cyanide analysis, future site specific Cyanide Local limitations may be developed.

Table 14: Local Limitation Source:

	NPDES Daily Eff. Table 12	503 Sludge Reg. Table13	Daily Max Local Limit from Table 12	Daily Max Local Limit from Table 13
Arsenic	0.9064	0.4888	--	0.49
Cadmium	0.2095	0.2291	0.21	--
Chromium	2.9724	No Limit	2.98	--
Copper	30.5257	13.4534	--	13.45
Cyanide	6.5232	No Limit	6.52	--
Lead	0.4166	2.1678	0.42	--
Mercury	0.5424	0.0717	--	0.07
Molybdenum	No Limit	No Limit	--	--
Nickel	No Limit	5.7436	--	5.74
Selenium	1.4942	0.7203	--	0.72
Silver	3.9821	No Limit	3.99	--
Zinc	150.9488	18.2818	--	18.28

Table 15: Metal Local Limits:

	Maximum for any one day (mg/L)
Arsenic	0.49
Cadmium	0.21
Chromium	2.98
Copper	13.45
Cyanide	--
Lead	0.42
Mercury	0.07
Molybdenum	--
Nickel	5.74
Selenium	0.72
Silver	3.99
Zinc	18.28

**CEDAR CITY COUNCIL
AGENDA ITEM 6**

DECISION PAPER

TO: Mayor and City Council

FROM: Russ Volk

DATE: August 7, 2013

SUBJECT: State of Utah Division of Aeronautics Pavement Preservation Grant

RECOMMENDATION: Consider the grant application

DISCUSSION: The Utah Division of Aeronautics is providing the Cedar City Regional Airport a pavement preservation grant for the purpose of fog sealing and repainting the main runway 2/20 and the terminal air carrier ramp.

The original grant was forecasted to be \$160,000. This did not include any funding for the terminal air carrier ramp. The new grant amount now available is \$220,000. The cities cost share is 10 percent of the grant amount, or \$22,000.

During the budget process, the airport budget contained \$16,000 to cover the cities cost share of the original forecasted grant. The airport fund has the available funds to cover the additional \$6000 of the cities grant match.

Request the City Council consider acceptance of the grant, allow the airport to use the additional \$6000 out of the airport fund, and allow the Mayor to sign the grant application.

UTAH DEPARTMENT OF TRANSPORTATION

AERONAUTICAL OPERATIONS DIVISION

**PROJECT APPLICATION AND GRANT AGREEMENT
FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS**

Part 1 - Project Information

Cedar City Corporation (hereinafter called the "Sponsor") hereby makes application to the Utah Department of Transportation (hereinafter called the "State") for a grant of state funds pursuant to Title 72, Chapter 10, Aeronautics Act, for the purpose of aiding in financing an improvement project (hereinafter called the "project") for the development of the **Cedar City Regional Airport**, (hereinafter called the "Airport") located in **Cedar City, Iron County**.

It is proposed that the Project consists of the following described airport improvements or development:

Pavement Preservation

as shown on the attached map accompanied by a detailed engineering cost estimate showing each item in the Project by description, quantity, unit cost, total cost, engineering and contingencies. [The map will show (1) the boundaries of the Airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the Sponsor for airport purposes, and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities; (3) the location of all existing and proposed non-aviation areas and of all existing and proposed improvements thereon including the access road; and (4) airport vicinity zoning.] It is understood that the State will approve in writing the project plans and specifications before start of construction.

The estimated total project is \$ 220,000. The requested State share of the project is \$ 198,000, which is 90%.

Other governmental agencies granting money to the project are

The Project engineer is intended to be _____
The FAA Project No. is N/A (if applicable)

Part II - Representations

The Sponsor hereby represents and certifies as follows:

1. Legal Authority - The Sponsor has the legal power and authority to :
 - (1) do all things necessary in order to undertake and carry out the Project in conformity with applicable statutes;
 - (2) accept, receive, and disburse grants of funds from the State in aid of the Project;
 - (3) carry out all of the provisions of Parts III and IV of this document.
2. Funds - The Sponsor now has \$ 22,000 available for use in defraying its share of the Project.

Part III – Sponsor's Assurances

In consideration for grant monies made available to the airport, the Sponsor hereby covenants and agrees with the State, as follows:

1. The Sponsor will operate the Airport as such for the use and benefit of the public throughout the useful life of the facilities developed under this Project, but in any event for at least ten (10) years from the date hereof. The furtherance of this covenant, (but without limiting its general applicability and effect) the Sponsor specifically agrees that it will keep the airport open to all types, kinds, and classes of aeronautical use on fair and reasonable terms without discrimination between such types, kinds, and classes; provided, that the Sponsor may establish such fair, equal, and not unjustly discriminatory conditions to be met by all users of the Airport; and provided further, that the Sponsor may prohibit or limit any given type, kind or class of aeronautical use of the Airport if such action is necessary - (a) For safe and efficient use of the Airport; (b) To keep operation activities within acceptable noise levels; To serve the civil aviation needs of the public.

2. The Sponsor covenants and agrees that, unless authorized by the State, it will not either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the Airport or at any other Airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity.

3. The Sponsor agrees that it will operate the Airport for the use and benefit of the public, on fair and reasonable terms, and without unjust discrimination. In furtherance of this covenant (but without limiting its general applicability and effect), the Sponsor specifically covenants and agrees:

a. That in its operation and the operation of all facilities on the airport, neither it nor any person or organization occupying space of facilities thereon will discriminate against any person or class of persons by reason of race, color, creed, or national origin in the use of any of the facilities provided for the public on the Airport.

b. That in any agreement, contract, lease, or other arrangement under which a right or privilege at the Airport is granted to any person, firm, or corporation to render to the public any service (including the furnishing or sale of any aeronautical parts, materials, or supplies) essential to the operation of aircraft at the Airport, the Sponsor will insert and enforce provisions requiring the contractor:

(1) To furnish said service on a fair, equal, and not unjustly discriminatory basis to all users thereof, and

(2) To charge fair, reasonable, and not unjustly discriminatory prices for each unit or service; Provided, that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

c. That it will not exercise or grant any right or privilege which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance and repair) that it may choose to perform.

d. In the event the Sponsor itself exercises any of the rights and privileges referred to in subsection b, the services involved will be provided on the same conditions as would apply to the furnishing of such services by contractors or concessionaires of the Sponsor under the provisions of such subsection b.

4. Nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of non-aviation products and supplies or any service of a non-aeronautical nature or to obligate the Sponsor to furnish any particular non-aeronautical service at the Airport.

5. The Sponsor will operate and maintain in a safe and serviceable condition the Airport and all facilities thereon and connected therewith which are necessary to serve the aeronautical users of the Airport other than facilities owned or controlled by the United States, or the State, and will not permit any activity or uses thereon which would interfere with its use for airport purposes; Provided that nothing contained herein shall be construed to require that the Airport be operated for aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance; and provided further, that nothing herein shall be construed as requiring the maintenance, repair, restoration or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the Sponsor.

6. Insofar as it is within its power and reasonably possible, the Sponsor will, either by the acquisition and retention of easements or other interests in or rights for the use of land or airspace or by the adoption and enforcement of zoning regulations, prevent the construction, erection, alteration, or growth of any structure, tree, or other object in the approach areas of the runways of the Airport, which would constitute an obstruction to air navigation according to the criteria or standards prescribed in Part 77 of the Federal Aviation Regulations. In addition, the Sponsor will not erect or permit the erection of any permanent structure or facility which would interfere materially with the use, operation, or future development of the Airport, in any portion of a runway approach area in which the Sponsor has acquired, or may hereafter acquire, property interests permitting it to so control the use made of the surface of the land. In addition the Sponsor will clear said area or areas of any existing structure or any natural growth that constitutes an obstruction to airspace within the standards established by said Part 77 unless exceptions to or deviations from the aforementioned obligations have been granted to it in writing by the State.

7. The Sponsor will furnish the State with such annual or special airport financial and operational reports as may be reasonably requested. Such reports may be submitted on forms furnished by the State, or may be submitted in such manner as the Sponsor elects as long as the essential data is furnished. The Airport and all Airport records and documents affecting the Airport, including deeds, leases, operation and use agreements, regulations, and other instruments will be made available for inspection and audit by the State, or his duly authorized representative upon reasonable request. The sponsor will furnish to the State a true copy of any such documents.

8. The Sponsor will not enter into any transaction which would operate to deprive it of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency found by the State to be eligible to assume such obligations and having the power, authority, and financial resources to carry out all such obligations. If an arrangement is made for management or operation of the Airport by any agency or person other than the Sponsor or an employee of the Sponsor, the Sponsor will reserve sufficient rights and authority to insure that the Airport will be operated and maintained in accordance with these covenants.

9. The Sponsor will keep up to date, by amendment, the attached map of the Airport showing:

(1) The boundaries of the Airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the Sponsor for airport purposes, and proposed additions thereto;

(2) The location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads), including all proposed extensions and reductions of existing airport facilities; and

(3) The location of all existing and proposed non-aviation areas and of all existing improvements thereon, including the access road, said attached map, and each amendment, revision, or modification thereof, shall be subject to the approval of the State which approval shall be evidenced by the signature of a duly authorized representative of the State on the face thereof. The Sponsor will not make or permit the making of any changes or alterations in the Airport or any of its facilities that might adversely affect the safety, utility, or efficiency of the Airport.

(4) Airport vicinity zoning.

10. Insofar as is within its power and to the extent reasonable, the Sponsor will take action to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal airport operations including landing and takeoff of aircraft.

11. The Sponsor will not dispose of, or abandon in any manner, any portion of the Airport shown on the approved map without the written consent of the State.

12. It is understood and agreed that as to the land acquired or to be acquired for future development of the airport, the Sponsor will construct and complete thereon a useful and usable facility consistent with the State Airport System Plan not later than the time of forecasted need; and if the land so acquired or any part thereof, is not used within the forecast period for the purpose for which it was acquired, the Sponsor will refund the State share of acquisition cost or fair market value of the land, whichever is greater, plus the State share of net revenue, at the time of sale or expiration of the period stated in this agreement. It is further understood and agreed that the Sponsor will deposit all net revenues derived from the interim use of the land into a special fund to be used exclusively for approved items of airport development, but in no case may the State share of such funds be used to match State aid funds in future grants. It is still further understood and agreed that the Sponsor will not dispose of the land by sale, lease, or otherwise without the prior consent and approval of the State.

13. The Sponsor will maintain, at its own expense, the following aeronautical use items and activities:

- (1) A standard, mounted windsock for observation of wind direction and velocity from the ground and while airborne together with a standard segmented circle, both in good repair.
- (2) Enforcement of zoning in the vicinity of airports to minimize environmental problems associated with aeronautical uses.
- (3) A current license issued by the State designating the Airport for public use.
- (4) Runway or boundary lights in good repair and on from dusk to dawn of each calendar day.
- (5) The runway, taxiways, and apron in a state of good repair which would include annual crack filling and mowing of vegetation at least 15 feet outside of hard surfaced areas as necessary to maintain a weed height of not more than 12 inches.
- (6) The boundary fence, when in place, in a state of good repair.
- (7) The main runway, associated taxiway and apron to be cleared of snow as soon as practical after a snowstorm and the airport to remain open for use during these months.

14. It is understood that the State will participate in the amount of grant monies herein mentioned in the engineering estimate or in the herein mentioned per cent share of the actual project cost, whichever is least.

15. In the event the State does not grant monies under this application, the covenants herein

mentioned shall not become effective.

16. Sponsor shall have no authorization to bind the State of Utah or the Utah Department of Transportation, or its Aeronautical Operations Division to any agreement, settlement, liability or understanding whatsoever, nor to perform any acts as agent for the State of Utah, except as herein expressly set forth.

17. Sponsor hereby agrees to indemnify and save harmless the State of Utah, Utah Department of Transportation, and Aeronautical Operations Division, and their officers, agents, and employees from and against any and all loss, damages, injury, and liability, and any claims therefore, including claims for personal injury or death, damages to personal property and liens of workmen and materialmen, howsoever caused, resulting directly or indirectly from the performance of this agreement or from the use or operation of the airport improvements and facilities being purchased, constructed or otherwise developed under this agreement.

Part IV - Project Agreement and Acceptance

If the Project or any portion thereof is approved by the State, and State aid for such approved Project is accepted by the Sponsor, it is understood and agreed that all airport development included in such Project will be accomplished in accordance with the plans and specifications for such development, as approved by the State, and the herein assurances with respect to the Project and the Airport.

IN WITNESS WHEREOF, The parties hereto do hereby ratify and adopt all statements, representatives, warranties, covenants, and agreements contained or referenced herein and do hereby cause this document to be executed in accordance with the terms and conditions here of.

Executed for the Sponsor this _____ day of _____, 20_____.

(SEAL)

(Name of Sponsor)

By _____

Title _____

Attest _____

Recorder

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for _____
(herein referred to as the "Sponsor") do hereby certify:

That I have examined the foregoing document and the proceedings taken by said Sponsor relating thereto, and find that the Acceptance thereof by said Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of Utah, and further that, in my opinion, said Agreement constitutes a legal and bind obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 20 ____.

Title _____

AERONAUTICAL OPERATIONS DIVISION

Director

APPROVED:

UDOT Legal Counsel

Finance

CEDAR CITY COUNCIL
ACTION AGENDA ITEMS 7
DECISION PAPER

TO: Mayor and City Council

FROM: Paul Bittmenn

DATE: August 5, 2013

SUBJECT: Consider a resolution authorizing the renewal of the RAP tax to be placed on the November 5, 2013, ballot.

DISCUSSION:

Attached is a resolution that would place renewal of the RAP tax on the November 5, 2013, ballot. If this resolution is adopted the language in the resolution would have to be substantially similar to the language on the ballot. The language in this resolution is taken from state statute and would allow the use of the RAP tax revenue for any purpose allowed by state law.

The only change to this draft resolution and the copy you saw in May is the draft in May talked about the future need to have the County Commissioners consider and pass a resolution stating they did not want to pass a county wide RAP tax. The attached resolution talks about the County Commissioners having already passed a resolution stating they were not considering a county wide RAP tax. The County Commissioners passes such a resolution on July 22, 2013.

CEDAR CITY RESOLUTION NO. _____

A RESOLUTION OF THE CEDAR CITY COUNCIL SUBMITTING A BALLOT MEASURE TO THE CITIZENS OF CEDAR CITY RELATED TO THE REAUTHORIZATION OF A .1% SALES AND USE TAX TO FUND BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES.

WHEREAS, pursuant to title 59, Chapter 12, Sections 1401 through 1407, Cedar City is empowered, with the consent of a majority of the City's voters, to impose a sales and use tax in the amount of .1% on authorized sales and uses within Cedar City; and

WHEREAS, with the authorization of a majority of the voters in 2005 the City imposed a .1% sales and use tax that was known as the RAP tax; and

WHEREAS, the RAP tax has been used by Cedar City to fund recreational, arts, and parks facilities and organizations in accordance with State Law and City Ordinance; and

WHEREAS, the City's RAP tax is set to expire at the end of 2013, and in order to reauthorize the RAP tax it is necessary for a majority of the Cedar City Council to authorize a ballot measure for the November 5, 2013, ballot; and

WHEREAS, the proposed ballot issue shall read substantially as follows:

BALLOT PROPOSITION # _____

Shall Cedar City, Utah, be authorized to impose a .1% sales and use tax for funding recreation, arts, and parks, including, but not limited to, the following uses as defined by state law: (1) cultural facilities, recreational facilities, zoological facilities, botanical organizations, cultural organizations, and zoological organizations within Cedar City; (2) provide funding for a botanical organization, cultural organization, or zoological organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in furtherance of the botanical organization's, cultural organization's, or zoological organization's primary purpose; (3) the ongoing operating expenses of botanical organizations, cultural organizations, and zoological organizations within the City or within geographic areas of entities that are parties to an interlocal agreement, to which the City is a party; and (4) the ongoing operating expense of recreational facilities within the City or within the geographic area of entities that are parties to an interlocal agreement to which the City is a party. If approved and enacted the tax shall be reauthorized for a period of ten (10) years.

_____ Yes Cedar City should enact a .1% sales and use tax to fund recreation, arts, and parks.

_____ No Cedar City should not enact a .1% sales and use tax to fund recreation, arts, and parks.

WHEREAS, the Cedar City Council deems it necessary and proper to submit to the voters the issue of reauthorizing the RAP tax; and

WHEREAS, during its July 22, 2013, meeting the board of Iron County Commissioners adopted a resolution stating that the County is not seeking to impose a comparable sales and use tax under title 59, Chapter 12, Sections 701 through 709.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Cedar City, State of Utah, that the reauthorization of the .1% RAP tax, as described herein, shall be submitted to the vote of the public during the municipal general election to be held on November 5, 2013.

BE IT FURTHER RESOLVED by the City Council of Cedar City, State of Utah that the ballot provision printed on the November 5, 2013, ballot shall read substantially the same as outlined herein.

This Resolution, Cedar City Resolution No. _____, shall take effect upon passage by a majority of the City Council.

AYES: _____

NAYS: _____

ABSTAINED: _____

Dated this ____ day of _____, 2013.

JOE BURGESS
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
CITY RECORDER

**CEDAR CITY COUNCIL
AGENDA ITEM 8**

INFORMATION SHEET

TO: Mayor and City Council

FROM: Rick Holman

DATE: August 5, 2013

SUBJECT: Computer Service Agreement

DISCUSSION: The City has been contracting the computer maintenance service to an outside contractor for a number of years. This has been an efficient method rather than having in-house IT staff. The service has been responsive and reasonably priced.

The service was advertised for proposals last month. One vendor chose to submit a proposal. Mountain West Computers submitted a proposal. They have provided the City with maintenance services up to now and have done a great job.

It is proposed that the City award Mountain West Computers the Maintenance contract and authorize the Mayor to sign the Service Agreement for a two-year period.

